



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jonathan PHILLIPS et al.

Title: VASCULAR-PREFERRED PROMOTERS

Appl. No.: 10/717,897

Filing Date: 11/21/2003

Examiner: Unassigned

Art Unit: 1638

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §1.56

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date

FOLEY & LARDNER LLP

Customer Number: 22428

Telephone:

(202) 672-5483

Swy 15, 2005 By_

Facsimile:

(202) 672-5399

Richard C. Peet

Attorney for Applicant

Registration No. 35,792

MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Complete if Known		
				Application Number	10/717,897	
				Filing Date	11/21/2003	
				First Named Inventor	Jonathan PHILLIPS	
				Group Art Unit	1638	
				Examiner Name	Unassigned	
Sheet	1	of	1	Attorney Docket Number	044463-0264	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	-		
	В1	DATTA et al., "Nucleotide sequence of a gene encoding soybean repetitive praline-rich protein 3," <u>Plant Molecular Biology</u> , 1990, pp. 285-286, Vol. 14, Kluwer Academic Publishers, Belgium			
TO E	B2	GOLOVKIN et al., "Production of transgenic maize plants by direct DNA uptake into embryogenic protoplasts," <u>Plant Science</u> , 1993, pp. 41-52, Vol. 90, Elsevier Scientific Publishers Ireland Ltd.			
; 5 2005	E W	McCARTHY et al., "The Rate of Change of DNA in Evolution," <u>In Evolution of Genetic Systems</u> , 1972, pp. 1-43, H.H. Smith (ed.), Brookhaven Symposium in Biology No. 23, Gordon and Breach, New York			
TRADEMACH	E 84	ROGERS et al., "Improved Vectors for Plant Transformation: Expression Cassette Vectors and New Selectable Markers," Methods in Enzymology, 1987, pp. 252-277, Vol. 153, Academic Press, Inc.			
	B5	SCHMIDHAUSER et al., "Regions of Broad-Host-Range Plasmid RK2 Involved in Replication and Stable Maintenance in Nine Species of Gram-Negative Bacteria," <u>Journal of Bateriology</u> , Oct. 1985, pp. 446-455, Vol. 164, No. 1, American Society for Microbiology			
	В6	SIBLEY et al., "The Phylogeny and Classification of the Passerine Birds, Based on Comparisons of the Genetic Material, DNA," <u>ACTA XVIII Congressus Internationalis Ornithologici</u> , August 16-24, 1982, pp. 83-121, Vol. 1			
			-		
			-		

Examiner	Date
Signature	Considered

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.